

MAR 15 2011

INSIGHT BIOTEK INC.

TO: USPTO
Attn: Patricia Duffy
FAX#: 571.273.8300
DATE: March 15, 2011

FROM: Diane Van Alstyne
FAX #: }
PHONE #: } 250.493.3793
OF PAGES: 4 REF: ✓
including cover.

In re **REVIVAL** of Application of Van Alstyne et al.

Application No. **09/489,850**

Filed: January 24, 2000

For: **METHODS TO CLEAR MENINGITIS CAUSING AGENTS USING ANTIBODIES TO PEPTIDES
REPRESENTING EPITOPIC SITES FOR BACTERIAL AND VIRAL MENINGITIS CAUSING AGENTS**

The following 4 pages contain correspondence with the Office of Petitions attempting to REVIVE Application No. 09/489,850. The office has received ALL fees, statements and disclaimers required.

However, the office tells me that:

Any request for reconsideration of this decision regarding revival MUST include the required reply to the non-final Office action.

However, you have already informed me by phone on February 14, 2011, that you can not discuss this petition since the application is abandoned.

How do I include the required reply and revive the application?

I sincerely apologize for the inconvenience this situation is causing but I require your advice in order to proceed.



Diane Van Alstyne
Insight Biotek Inc.

MAR 15 2011

INSIGHT BIOTEK INC.

TO: Office of Petitions
Alesia M. Brown
FAX#: (571) 273-8300
DATE: March 15, 2011

FROM: Diane Van Alstyne
FAX #: 250.493.3793
PHONE #: Same
OF PAGES: 01 REF:

In re Application of Van Alstyne et al.

Application No. 09/489,850

Filed: January 24, 2000

For: METHODS TO CLEAR MENINGITIS CAUSING AGENTS USING ANTIBODIES TO PEPTIDES
REPRESENTING EPITOPIC SITES FOR BACTERIAL AND VIRAL MENINGITIS CAUSING AGENTS

Your decision to revive the above-mentioned application was received Tues., March 15, 2011.

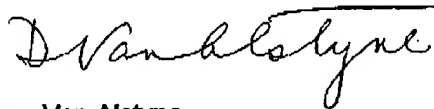
I ATTEMPTED to reply to the non-final Office action by phoning examiner Duffy for clarification of the claim set.

On Feb. 14, 2011, examiner Duffey informed me by telephone that she could NOT discuss the application with me since it had gone abandoned.

How do I include the required reply?

I may be contacted by e-mail at
InsightBiotek@yahoo.com
or by phone in Vancouver, BC, Canada at
250.493.3793

I apologize for the inconvenience this situation is causing but I require your advice in order to revive this application.



Diane Van Alstyne
Insight Biotek Inc.

MAR 15 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

MAR 08 2011

OFFICE OF PETITIONS

DIANE VAN ALSTYNE
101-144 BRUNSWICK STREET
PENTICTON
BRITISH COLUMBIA V2A 5P7
CANADA

In re Application of :
Van Alstyne, et al. : DECISION ON PETITION
Application No. 09/489,850 :
Filed: January 24, 2000 :
For: METHODS TO CLEAR MENINGITIS :
CAUSING AGENTS USING ANTIBODIES :
TO PEPTIDES REPRESENTING EPITOPIC :
SITES FOR BACTERIAL AND VIRAL :
MENINGITIS CAUSING AGENTS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 14, 2011, to revive the above-identified application.

This application became abandoned March 19, 2007 for failure to timely reply to the non-final Office action mailed December 18, 2006. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed July 26, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

As to item (1), the instant petition is not accompanied by the required reply to the non-final Office action mailed December 18, 2006. A copy of the non-final Office action is enclosed as a courtesy.

Any request for reconsideration of this decision **MUST** include the required reply to the non-final Office action.

Application No. 09/489,850

2

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 571-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions